

Message Text

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EUR-12 NEA-10 AID-05 CIAE-00 COME-00 FRB-01 INR-07

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

XMT AMEMBASSY BEIRUT

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E.O. 11652: N/A

TAGS: ECOSOC

SUBJECT: 61ST ECOSOC PASSES RESOLUTION ON ILLICIT PAYMENTS

1. AS A RESULT OF OUR MAJOR U.S. INITIATIVE, THE 61ST ECOSOC ON AUGUST 5 APPROVED BY CONSENSUS A RESOLUTION CONCERNING CORRUPT PRACTICES IN INTERNATIONAL COMMERCIAL TRANSACTIONS. THE TEXT OF THE RESOLUTION, WHICH WAS THE PRODUCT OF EXTENSIVE NEGOTIATIONS IN A CONTACT GROUP, FILLS OUR OBJECTIVE BY ESTABLISHING AN INTERGOVERNMENTAL WORKING GROUP WHICH WILL EXAMINE THE PROBLEM OF CORRUPT PRACTICES AND "ELABORATE IN DETAIL THE SCOPE AND CONTENTS OF AN INTERNATIONAL AGREEMENT TO PREVENT AND ELIMINATE ILLICIT PAYMENTS...IN CONNECTION WITH INTERNATIONAL COMMERCIAL TRANSACTIONS." WE EXPECT THE WORK OF THIS

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COMMITTEE TO RESULT EITHER IN A DRAFT TREATY OR A DETAILED

REPORT WHICH CAN FORM THE BASIS OF A TREATY. IT THUS REPRESENTS A POSITIVE STEP TOWARD AN INTERNATIONAL AGREEMENT ON BRIBERY.

2. THE DEPT WISHES TO THANK POSTS FOR THEIR HELP AND ASSISTANCE IN BUILDING UP SUPPORT FOR THE PASSAGE OF THIS MEASURE. POSTS IN THE FOLLOWING COUNTRIES MAY, AS APPROPRIATE, EXPRESS THEIR APPRECIATION TO HOST GOVERNMENT OFFICIALS FOR GIVING EARLY INDICATIONS OF SUPPORT AND/OR FOR BEING PARTICULARLY HELPFUL DURING THE ECOSOC NEGOTIATIONS: BOLOVIA, BRAZIL, CANADA, COLOMBIA, ECUADOR, EGYPT, GREECE, ITALY, IRAN, JORDAN, NETHERLANDS, PAKISTAN.

3. THE TEXT OF THE RESOLUTION FOLLOWS:

BEGIN TEXT

TRANSNATIONAL CORPORATIONS

DRAFT RESOLUTION SUBMITTED BY THE CHAIRMAN, CORRUPT PRACTICES, PARTICULARLY ILLICIT PAYMENTS, IN INTERNATIONAL COMMERCIAL TRANSACTIONS.

THE ECONOMIC AND SOCIAL COUNCIL,

RECALLING GENERAL ASSEMBLY RESOLUTION 3514 (XXX) OF 15 DECEMBER 1975, WHICH, INTER ALIA, (A) CONDEMNED ALL CORRUPT PRACTICES, INCLUDING BRIBERY, BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTER-MEDIARIES AND OTHERS INVOLVED, IN VIOLATION OF THE LAWS AND REGULATIONS OF THE HOST COUNTRIES; (B) REAFFIRMED THE RIGHT OF ANY STATE TO ADOPT LEGISLATION AND TO INVESTIGATE AND TAKE APPROPRIATE LEGAL ACTION, IN ACCORDANCE WITH ITS NATIONAL LAWS AND REGULATIONS, AGAINST TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED FOR SUCH CORRUPT PRACTICES; AND (C) CALLED UPON ALL GOVERNMENTS TO EXCHANGE INFORMATION AND UPON HOME GOVERNMENTS TO COOPERATE WITH GOVERNMENTS OF THE HOST COUNTRIES TO PREVENT CORRUPT PRACTICES, INCLUDING BRIBERY,

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NOTING THE DECISION OF THE COMMISSION ON TRANSNATIONAL CORPORATIONS AT ITS SECOND SESSION AS CONTAINED IN PARAGRAPH 37 OF ITS REPORT (E/5782),

1. DECIDES:

(A) TO ESTABLISH AN AD HOC INTERGOVERNMENTAL WORKING GROUP TO CONDUCT AN EXAMINATION OF THE PROBLEM OF CORRUPT

PRACTICES, IN PARTICULAR BRIBERY, IN INTERNATIONAL COMMERCIAL TRANSACTIONS BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED, TO ELABORATE IN DETAIL THE SCOPE AND CONTENTS OF AN INTERNATIONAL AGREEMENT TO PREVENT AND ELIMINATE ILLICIT PAYMENTS, IN WHATEVER FORM, IN CONNECTION WITH INTERNATIONAL COMMERCIAL TRANSACTIONS AS DEFINED BY THE WORKING GROUP, AND TO REPORT TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS SIXTY-THIRD SESSION, ALONG WITH SUCH OTHER RELEVANT PROPOSALS AND OPTIONS AS THE GROUP MAY DECIDE;

(B) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP SHALL BE COMPOSED OF 18 MEMBERS SELECTED BY THE COUNCIL ON THE BASIS OF EQUITABLE GEOGRAPHICAL DISTRIBUTION;

(C) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP SHALL MEET IN 1976 AND AS NECESSARY IN 1977, THE SESSIONS TO BE OF SUFFICIENT DURATION TO PERMIT COMPLETION OF ITS TASK;

2. REQUESTS THE UNITED NATIONS AGENCIES AND BODIES, ESPECIALLY UNCITRAL AND THE INFORMATION AND RESEARCH CENTRE ON TRANSNATIONAL CORPORATIONS, TO RENDER SUCH ASSISTANCE TO THE AD HOC INTERGOVERNMENTAL WORKING GROUP AS IT MAY REQUEST;

3. REAFFIRMS THAT THE FORMULATION OF A CODE OF CONDUCT BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE GIVEN THE HIGHEST PRIORITY AND THAT CONSIDERATION OF AN ACTION BY THE COUNCIL IN THE MATTER OF CORRUPT PRACTICES, PARTICULARLY, ILLICIT PAYMENTS, SHALL IN NO WAY INTERFERE WITH OR DELAY THAT PRIORITY;

4. DECIDES FURTHER THAT THE AD HOC INTERGOVERNMENTAL

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WORKING GROUP SHOULD SUBMIT A REPORT TO THE COUNCIL AT ITS SIXTY-THIRD SESSION CONTAINING THE RESULTS OF ITS WORK PURSUANT TO PARAGRAPH 1(A) ABOVE; THE REPORT OF THE WORKING GROUP SHOULD BE SUBMITTED IN A FORM THAT WILL ENABLE THE COUNCIL, IF IT SO DECIDES, TO TRANSMIT ITS CONCRETE RECOMMENDATION OR RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR FINAL ACTION. END QUOTE. HABIB

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